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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR WOLF GEORG FORSSMANN	ATTORNEY DOCKET NO.	CONFIRMATION NO. 8457
09/508,083		07/03/2000		P65123US0	
136	7590	03/25/2002			
JACOBSON HOLMAN PLLC				EXAMINER	
400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				SCHNIZER, HOLLY G	
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	,	•		ART UNIT	PAPER NUMBER
				1653	10
				DATE MAILED: 03/25/2002	ω

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applicant(a)					
• 112	Application lo.	Applicant(s)					
Office Action Commons	09/508,083	FORSSMANN ET AL.					
Office Action Summary	Examiner	Art Unit					
	Holly Schnizer	1653					
The MAILING DATE of this communication apperiod for Reply	ppears on the cover sheet	with the correspondence address					
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perio - Failure to reply within the set or extended period for reply will, by statu - Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b). Status	I. 1.136(a). In no event, however, may pply within the statutory minimum of d will apply and will expire SIX (6) N ute, cause the application to become	y a reply be timely filed thirty (30) days will be considered timely. MONTHS from the mailing date of this communication. e ABANDONED (35 U.S.C. § 133).					
1) Responsive to communication(s) filed on 29	October 2001 .						
2a) This action is FINAL . 2b) ⊠ 1	This action is non-final.						
3) Since this application is in condition for allow closed in accordance with the practice under Disposition of Claims							
4) Claim(s) 38-59 is/are pending in the application.							
4a) Of the above claim(s) is/are withdr	awn from consideration.						
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) 38-59 are subject to restriction and/	or election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examir	ner.						
10)☐ The drawing(s) filed on is/are: a)☐ acc	cepted or b) objected to b	y the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the E	Examiner.						
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for forei	gn priority under 35 U.S.	C. § 119(a)-(d) or (f).					
a)⊠ All b)□ Some * c)□ None of:							
 Certified copies of the priority docume 	nts have been received.						
2. Certified copies of the priority docume	nts have been received in	Application No					
3. Copies of the certified copies of the pr application from the International E * See the attached detailed Office action for a list	Bureau (PCT Rule 17.2(a)).					
14) Acknowledgment is made of a claim for domes	stic priority under 35 U.S.	C. § 119(e) (to a provisional application).					
a) ☐ The translation of the foreign language p	-						
15) Acknowledgment is made of a claim for dome							
Attachment(s)							
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 	5) Notice	ew Summary (PTO-413) Paper No(s) of Informal Patent Application (PTO-152)					

U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Application/Control Number: 09/508,083

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Claim(s) 38-59 are drawn to peptides of varying sequences and compositions comprising the peptides.

This application contains claims directed to more than one polypeptide (polypeptides of varying sequences). These polypeptides are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they lack the same or corresponding special technical feature for the following reasons:

The claims are drawn to peptides having multiple amino acid substitutions (14 out of 28 positions have multiple substitutions; Claim 43 alone encompasses 196 different possible sequences). Thus, there is no apparent shared common core structure. Moreover, many of the substitutions affect different properties of the peptides. For example, substitutions at position 7 and 8 of the peptide affect resistance to degradation whereas other substitutions are not disclosed as having an affect on that particular property.

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Therefore, in response to this Restriction Requirement, Applicant is required to elect a single polypeptide sequence. Claims 38-59 will then be examined to the extent that they read on the subject matter of the elected Group. Those claims that do not read on the elected subject matter will be considered non-elected and will be withdrawn from consideration. This requirement is not to be construed as a requirement for an election of species, since each of the compounds recited in alternative form is not a member of a single genus of invention, but constitutes an independent and patentably distinct invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Schnizer whose telephone number is (703) 305-3722. The examiner can normally be reached on Mon. & Thurs., 8am-5:30pm and Tues. & Wed. 9-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on (703) 308-2923. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703 308-0196.

Holly Schnizer March 23, 2002

Christopher S.D. bow CHRISTOPHER S. F. LOW SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1600